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United States of America

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. S-03-535-DFL
	)	
Plaintiff,	)	<u>STIPULATION REGARDING</u>
	)	<u>EXCLUDABLE TIME PERIODS UNDER</u>
v.	)	<u>SPEEDY TRIAL ACT; [PROPOSED]</u>
	)	<u>FINDINGS AND ORDER</u>
SCOTT POLL,	)	
	)	
Defendant.	)	
	)	
	)	

Plaintiff United States of America, by and through its  
counsel of record, and defendant Scott Poll, by and through his  
counsel of record, hereby stipulate as follows:

1. Defendant was indicted on December 17, 2003. Defendant  
first appeared before Magistrate Judge Hollows, a judicial  
officer in the court in which this charge is pending, on January  
6, 2004. The Speedy Trial Act of 1974, 18 U.S.C. § 3161 et seq.,  
originally required that the trial for this matter commence on or  
before March 16, 2004. On January 6<sup>th</sup>, at the request of  
defendant and without opposition from the government, this matter  
was set for status on January 21, 2004 before Judge Levi. In

1 addition, at the request of defendant, for the purpose of  
2 computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et  
3 seq., within which trial must commence, the time period from  
4 January 6, 2004 through January 21, 2004 was deemed excludable  
5 pursuant to 18 U.S.C. § 3161(h) (8) (A) and B(ii) [Local Code T2]  
6 and (iv) [Local Code T4].

7 2. By stipulations and orders previously filed, Judge Levi  
8 excluded time from January 21, 2004 until May 13, 2005, under  
9 Local Codes T2 and T4. The Court also set a hearing for a change  
10 of plea on May 13, 2005 as to certain counts of the First  
11 Superseding Indictment.

12 3. By this stipulation, defendant Poll now moves to  
13 continue the plea hearing until May 26, 2005 and to exclude time  
14 between May 13, 2005 and May 26, 2005 under Local Codes T2 and  
15 T4. Plaintiff does not oppose this request.

16 4. The parties agree and stipulate, and request that the  
17 court find the following:

- 18 a. This is a complex prosecution, which alleges that  
19 defendant Poll and co-conspirators engaged in a five-  
20 year, multi-million dollar scheme to commit cable  
21 piracy, mail fraud and money laundering throughout the  
22 United States and abroad. The government has  
23 represented that there is voluminous discovery  
24 associated with the case which includes thousands of  
25 pages of materials obtained via grand jury subpoena and  
26 scores of boxes of materials seized in connection with  
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1 search warrants, including a series of seized computers  
2 with stored data. At present, the government has  
3 produced approximately 1,911 pages of written discovery  
4 and has made the search warrant and grand jury  
5 documents available for inspection.

6 b. Counsel for defendant desires additional time to  
7 consult with his client, to review the current charges,  
8 to conduct investigation related to the charges, to  
9 review and potentially copy discovery for this matter,  
10 to consult with his client regarding the scheduled  
11 change of plea, and to prepare for trial.

12 c. Counsel for defendant believes that failure to grant  
13 the above-requested continuance would deny him the  
14 reasonable time necessary for effective preparation,  
15 taking into account the exercise of due diligence.

16 d. The government does not object to the continuance.

17 e. Counsel for defendant has specifically discussed all of  
18 the contents of this stipulation with his client and  
19 represents that his client concurs with the contents of  
20 this stipulation.

21 f. Based on the above-stated findings, the ends of justice  
22 served by continuing the case as requested outweigh the  
23 interest of the public and the defendant in a trial  
24 within the original dates prescribed by the Speedy  
25 Trial Act.

26 g. For the purpose of computing time under the Speedy  
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1 Trial Act, 18 U.S.C. § 3161, et seq., within which  
2 trial must commence, the time period of May 13, 2005,  
3 2005 to May 26, 2005, inclusive, is deemed excludable  
4 pursuant to 18 U.S.C. § 3161(h)(8)(A), B(ii) and (iv)  
5 [Local Codes T2 and T4] because it results from a  
6 continuance granted by the judge at defendant's request  
7 on the basis of the judge's finding that the ends of  
8 justice served by taking such action outweigh the best  
9 interest of the public and the defendant in a speedy  
10 trial.

11 5. Nothing in this stipulation and order shall preclude a  
12 finding that other provisions of the Speedy Trial Act dictate  
13 that additional time periods are excludable from the period

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1 within which a trial must commence.

2 IT IS SO STIPULATED.

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4 DATED: 5/11, 2005.

5 /s/ Tice-Raskin  
6 S. ROBERT TICE-RASKIN  
Assistant United States Attorney

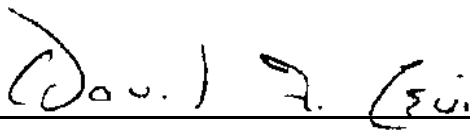
7  
8 DATED: 10 May 2005.

9 /s/ Anthony J. Siciliano  
10 ANTHONY SICILIANO  
Counsel for Defendant Poll

11 O R D E R

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13 IT IS SO FOUND AND ORDERED.

14 Dated: May 11, 2005

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17 DAVID F. LEVI  
18 Chief United States District Judge  
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